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UT 030909
(P) N/A

June 9, 2003

BY OVERNIGHT DELIVERY

Carole Washburn, Exec. Director
Washington Utilities & Transport Commission
1300 South Evergreen Park Dr. S.W.
Olympia, WA 98504

RECEIVED
RECORDS MANAGEMENT
03 JUN 10 AM 9:22
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

RE: Petition of Network US, Inc. for waiver of
WAC Section 480-120-139

Dear Ms. Washburn:

On behalf of Network US, Inc. and Universal Broadband Communications, Inc. please accept this Petition for Waiver of WAC Section 480-120-139.

Enclosed please find an original and three (3) copies of this filing. Please date stamp and return the enclosed extra copy of this letter in the envelope provided as evidence of filing.

Should you have any questions concerning this filing, please call. Thank you for your assistance with this matter.

Sincerely,



EllenAnn G. Sands

Enclosures

cc:

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of:)
Network US, Inc.)
for waiver of WAC §480-120-139)

Docket No. UT-030909

PETITION

Pursuant to WAC §§480-09-010(3), Network US, Inc. ("Network US"), a registered interexchange carrier, respectfully petitions the Commission for a waiver of the requirements set forth in WAC §480-120-139 regarding interexchange carrier selection. Granting Network US' petition is in the public interest.

RECEIVED
STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
JUN 10 2011 9:22
REGISTRATION DEPARTMENT

I. Factual Background

Network US provides non-facilities based, resold intraLATA toll and interexchange telecommunications services in the State of Washington pursuant to the Commission's grant of authority in Docket UT-011076, granted August 22, 2001. Network US has agreed to purchase the telecommunications assets of Universal Broadband Communications, Inc. ("UBC"), including all customer accounts. UBC is a registered carrier in Washington pursuant to authority granted in Docket No. UT-020966, effective 8/24/02. Pursuant to a written Asset Purchase Agreement, Network US has agreed to purchase the customer accounts from UBC. These accounts are comprised of all customers which have selected UBC as their preferred carrier for outbound and inbound calling. The special circumstances warranting a deviation or waiver from the Commission's rules and order include the need to provide seamless transitions of long distance service for the affected UBC customers.

Network US and UBC intend to notify all current end users of UBC of the event and also of any change in rates, by a separate mailing or by a bill insert. All present UBC

products are included in Network US'. In no event will any transferred customers be charged higher rates as a result of the proposed transaction. The affected UBC customers will be informed that they will continue to receive quality long distance services at economical prices from Network US without interruption and without needed action. The affected UBC customers will also be reminded that they are under no obligation to take service from Network US, and that the customer is free to select another company to transmit their long distance calls.¹

Additionally, Network US will send a "welcome letter" to the affected customers soon after the mailing described above. The "welcome letter" will reiterate the information disclosed in the first letter and provide the customer with other information on Network US services.²

II. Argument

Pursuant to the Commission's rules, prior to submitting a preferred carrier change, carriers must verify the subscriber's authorization of the change by one of the methods set forth in WAC §480-120-139. WAC §§480-09-010(3) provides that "the Commission may make exceptions to these rules in individual cases when doing so is just and reasonable." The Commission may also grant an exemption to a competitive carrier from any rule if doing so is consistent with the public interest, the purposes of the underlying regulation and applicable statutes. WAC §480-121-015.

Network US believes that its petition is in the public interest and that alternative

¹See attached letter from Network US and UBC attached as Exhibit A.

²See attached "welcome letter" from Network US attached as Exhibit B.

regulatory methods will serve the same purpose in this instance as the Commission's primary interexchange carrier change verification rules. Network US requests that the Commission accept the notice and welcome letters attached as Exhibits A and B in lieu of verification procedures of WAC §480-120-139. The affected customers will be notified that their interexchange service will be continued with Network US at comparable or lower rates without action required of them; that they may receive a credit for any charge imposed by their local exchange carrier for changing their primary interexchange carrier; and that they are under no obligation to take service from Network US and may select another primary interexchange carrier. Customers will also be given UBC's and Network US's toll-free customer service numbers to call with any questions they may have about the transaction. Network US believes that the notice and welcome letters adequately serve the purpose of assuring that customers who remain with Network US want Network US as their interexchange and intraLATA toll carrier.

On the other hand, the Commission's verification rules would not be served by obtaining prior authorization and verification in order to switch the affected customers of UBC to Network US. Customers who may not understand the need to authorize the change in their intraLATA toll and interexchange service provider and who, therefore, fail to respond to a request for authorization, could lose their service or pay potentially higher rates.

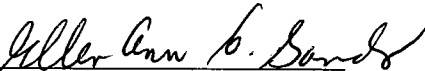
Expedited action on this waiver is requested. Waiver of the Commission's verification rules in this instance allows Network US to provide a seamless transition to UBC customers, while ensuring that the affected customers clearly understand available options. Therefore, the Commission should grant Network US's request for expedited

waiver of the Commission's verification rules set forth in WAC §480-120-139 to permit transfer of the affected customers.

Respectfully submitted,


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Fax (504) 831-0892
Counsel for Network US, Inc. and Universal
Broadband Communications, Inc.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my information and belief.


EllenAnn G. Sands
Date: June 9, 2003
Place: New Orleans, Louisiana

(Exhibit A)

Network US, Inc..

Universal Broadband
Communications, Inc., d/b/a
Business Savings Plan

(Customer Name)
(Address)

Dear Customer:

On, [] Network US, Inc. ("Network US") and Universal Broadband Communications, Inc., d/b/a Business Savings Plan ("UBC") entered into an agreement whereby, subject to the regulatory approval, the telecommunications assets of UBC will be acquired Network US, and Network US will become your telecommunications service provider.

This change in ownership will not affect or in any way disrupt your current service. No charges or fees will be imposed and no rate increase will occur as a result of this transaction. The toll free Customer Service number will remain the same and if you have any questions, please call one of our Customer Service Representatives at 1-800-[].

We at Network US, Inc. are pleased to welcome you to our team and would like to express our appreciation for allowing us the opportunity of being your telecommunication service provider. We are confident that you will be pleased with the high quality of our service.

(Exhibit B)

Network US, Inc.

(Customer Name)
(Address)

Dear Customer:

Welcome to Network US, Inc. **This letter is for your information only; no further action on your part is required.** As you are aware, on, [] Network US, Inc. ("Network US") and Universal Broadband Communications, Inc. ("UBC") entered into an agreement whereby, subject to the regulatory approval, the telecommunications assets of UBC will be acquired by Network US, and Network US will become your telecommunication service provider.

This change in ownership has taken effect and will not affect or in any way disrupt your current service. No charges or fees will be imposed and no rate increase will occur as a result of this transaction. The toll free Customer Service number will remain the same and if you have any questions, please call one of our Customer Service Representatives at 1-800-[].

You may receive a credit for any charge imposed by your local exchange carrier for changing your primary interexchange carrier. You have a choice of carriers. If you do not wish to remain a customer, you may change carriers within 30 days of the date of this notice and such change will be at the present carrier's expense.

We at Network US, Inc. are pleased to welcome you to our team and would like to express our appreciation for allowing us the opportunity of being your telecommunication service provider. We are confident that you will be pleased with the high quality of our service.